

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

MARLOW JORDAHL,)	Case No. C-1-01-862
)	(Dlott, J.)
Plaintiff,)	
)	
vs.)	DECLARATION OF MARY ANN L.
)	WYMORE IN SUPPORT OF
WATLOW ELECTRIC)	DEFENDANT'S MOTION FOR AWARD
MANUFACTURING COMPANY,)	OF ATTORNEYS' FEES AND COSTS
)	
Defendant.)	

I, Mary Ann L. Wymore, hereby declare as follows:

1. I am an attorney duly licensed to practice law in the States of California and Missouri, and am a shareholder in the law firm Greensfelder, Hemker & Gale, P.C., counsel of record for Defendant Watlow Electric Manufacturing Company ("Watlow"). I have been admitted to practice before this Court as a *pro hac vice* member for purposes of this action. As the trial attorney for this action, I have supervised, and continue to supervise, all of the services rendered in connection with the litigation of this matter. As a result, I have personal, first-hand knowledge of the matters set forth herein and, if called as a witness in any trial or proceeding, could and would competently testify thereto.

2. I make this Declaration in Support of Defendant Watlow's motion for attorneys' fees in connection with defense of this civil action.

3. Attached hereto as Exhibit A, and incorporated herein by reference, is a table which summarizes the attorneys' fees and costs incurred by Watlow to defend this civil action ("Table of Fees"); including the time spent by each attorney or paralegal who rendered services in connection with the defense of this matter and the fees incurred by Watlow for such services.

The services are broken down into broad categories to show how many hours were spent on specific groups of tasks. This Table of Fees also includes the costs incurred in defending this action. This Table of Fees was prepared under my direction from client billing statements, time sheets and our records of as-yet unbilled time recorded. The billing statements and time sheets from which the Table of Fees was compiled were prepared in the ordinary course of business at or near the time of the work recorded therein.

4. I am a senior litigation attorney with more than eighteen (18) years of experience; my customary hourly rate during the pendency of this litigation has ranged from \$235.00 to \$260.00. My current customary hourly rate is \$260.00. In connection with Watlow's defense of this action, I and numerous other attorneys, law clerks and paralegals employed by my firm, Greensfelder, Hemker & Gale, P.C., performed services in defense of this action, to wit, attorneys Gary Eberhardt, Theresa Brennan, Wendy Menghini and Julia Sinn, law clerks Trae Meyr and Jennifer Mann, and paralegals Andrea Mezines, Mary E. Illig, Julie A. Gilmor, Sherri Harding and Katie Amelunke, as detailed in the Table of Fees.

5. Specifically, Mr. Eberhardt is a shareholder in my firm's corporate practice group who was licensed to practice law in Missouri in 1971. He is also licensed to practice in Illinois. Mr. Eberhardt's customary hourly rate during the pendency of this litigation has ranged from \$245.00 to \$260.00, as shown within the Table of Fees. Ms. Brennan is a shareholder in my firm's Employment Benefits practice group and has been licensed to practice law in Missouri since 1986. Ms. Brennan's customary hourly rate during the pendency of this litigation was \$240.00. Mr. Goldenhersh is a shareholder in my firm's litigation practice group. He was licensed to practice law in Missouri in 1974. His customary billing rate during the pendency of this litigation was \$280.00. Ms. Menghini is an associate in my firm's litigation practice group.

She was licensed to practice law in Missouri in 1999 and in Illinois in 2000. Ms. Menghini's customary hourly rate during the pendency of this litigation ranged from \$120.00 to \$155.00, as shown within the Table of Fees. Ms. Sinn is an associate in my firm's litigation practice group. She was licensed to practice law in Missouri in 2003 and in Illinois in 2004. Ms. Sinn's customary hourly rate during the pendency of this litigation ranged from \$90.00 to \$110.00, as shown in the Table of Fees. Law clerks Trae D. Meyr and Jennifer Mann were law students who worked in our firm's litigation practice group during the summers of 2002 and 2003 respectively and were billed at a rate of \$80.00 per hour. Andrea Mezines is a litigation paralegal with my firm and has been a paralegal for approximately 21 years. Ms. Mezines' customary hourly rate during the pendency of this litigation was \$100.00. Ms. Illig is a litigation paralegal with my firm and has been a paralegal for more than fourteen (14) years. Ms. Illig's customary hourly rate during the pendency of this litigation was \$100.00, as shown within the Table of Fees. Sherri Harding was a litigation paralegal with my firm. Ms. Harding's customary hourly rate during the pendency of this litigation was \$100.00, as shown within the Table of Fees. Julie A. Gilmor is a database clerk in my law firm. Ms. Gilmor's customary hourly rate during the pendency of this litigation was \$50.00, as shown within the Table of Fees. Katie Amelunke is a paralegal in my firm's litigation practice group who is currently in her third year of law school. She has been a paralegal for approximately thirteen (13) months. Ms. Amelunke's current hourly rate is \$105.00.

6. Additionally, Harry J. Finke of Graydon, Head & Ritchie and a member of the Ohio State Bar since 1982, assisted Greensfelder, Hemker & Gale, P.C. in defense of this matter as local counsel. Mr. Finke is a senior litigation attorney with more than 22 years of experience. Mr. Finke's customary hourly rate during the pendency of this litigation was \$250.00.

7. The total amount of legal fees incurred by Watlow in connection with this litigation amount to One hundred twenty thousand, eighty-seven dollars, as detailed in the Table of Fees. Specifically, I have expended five and three-tenths (5.3) hours defending this action at the hourly rate of \$235.00, thirty-nine and seven-tenths (39.7) hours defending this action at the hourly rate of \$245.00, ninety-five and nine-tenths (95.9) hours defending this action at the hourly rate of \$255.00, and seventy-five (75) hours defending this action at the hourly rate of \$260.00. My total fees for the defense of this action therefore amount to \$54,926.50. Mr. Eberhardt has expended half of an hour (.5) at the customary hourly rate of \$245.00 and half an hour (.5) at his customary hourly rate of \$260.00. Therefore, Mr. Eberhardt's fees for the defense of this action total \$252.50. Ms. Brennan has expended approximately four-tenths (.4) of an hour at her customary hourly rate of \$240.00. Therefore, Ms. Brennan's fees for the defense of this action total \$96.00. Mr. Goldenhersh has expended two-tenths (.2) of an hour at his customary hourly rate of \$280.00. Therefore, his total fees for the defense of this action amount to \$56.00. Ms. Menghini has expended three and six-tenths (3.6) hours under my supervision at her customary hourly rate of \$120.00, seventy-four and four-tenths (74.4) hours under my supervision at her customary hourly rate of \$135.00, one hundred twenty-four (124) hours under my supervision at her customary hourly rate of \$145.00, and sixty and two-tenths (60.2) hours under my supervision at her current customary hourly rate of \$155.00. Ms. Menghini's total fees for the defense of this action therefore amount to \$37,787. Ms. Sinn has expended approximately four and three-tenths (4.3) hours under my supervision at her customary hourly rate of \$90.00 and sixty-six (66) hours under my supervision at her current customary hourly rate of \$110.00. Ms. Sinn's total fees in defense of this action therefore amount to \$7,647.00. Mr. Meyr expended three (3) hours under my supervision at his customary hourly rate of \$80.00. Mr. Meyr's total

fees for the defense of this action therefore amounted to \$240.00. Ms. Mann expended six and nine-tenths (6.9) hours under my supervision at her customary hourly rate of \$80.00. Ms. Mann's total fees for the defense of this action therefore amount to \$552.00. Ms. Mezones expended eight and eight-tenths (8.8) hours under my supervision at her customary hourly rate of \$100.00. Ms. Mezones' total fees in defense of this action therefore amount to \$880.00. Ms. Illig has expended three-tenths (.3) of an hour under my supervision at the hourly rate of \$100.00 and one and eight-tenths (1.8) hours under my supervision at her current customary hourly rate of \$105.00. Ms. Illig's fees for the defense of this action therefore amount to \$219.00. Ms. Harding has expended thirteen and two-tenths (13.2) hours under my supervision at her customary hourly rate of \$100.00. Ms. Harding's fees for the defense of this action therefore amount to \$1,320.00. Ms. Amelunke has expended five and seven-tenths (5.7) hours under my supervision at her customary hourly rate of \$105.00. Ms. Amelunke's fees for the defense of this action therefore amount to \$598.50. Ms. Gilmor has expended seven and two-tenths (7.2) hours under my supervision at her customary hourly rate of \$50.00. Ms. Gilmor's fees for the defense of this action therefore amount to \$360.00. Local counsel's fees amounted to \$15,153.00.

8. All of the professional services rendered in connection with the defense of this action were incurred on behalf of Watlow, and have been or will be billed to Watlow and paid by Watlow in the ordinary course.

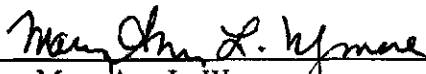
9. All of the legal services reflected in the Table of Fees necessarily were incurred in connection with Watlow's defense of this civil action. The time billed for each activity was appropriate for the nature and complexity of the task.

10. In addition to the above legal fees, Watlow incurred costs for the defense of this action in the amount of \$23,704.70. Such fees are detailed in the Table of Fees.

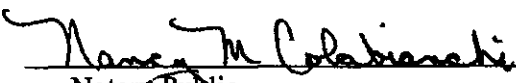
11. Thus, the total amount in legal fees and costs incurred by Watlow in defense of this action brought by Plaintiff Marlow Jordahl, totals One Hundred Forty-three Thousand Seven Hundred Ninety-one dollars and Seventy Cents (143,791.70). This amount is correct as of October 12, 2004. It is likely that Watlow will incur more fees and costs associated with the filing and defense of this motion.

I declare under penalty of perjury under the laws of the United States of America that the foregoing statements are true and correct.

Executed on this 13th day of October, 2004, at St. Louis, Missouri.


Mary Ann L. Wymore

Subscribed and sworn to before me this 13th day of October, 2004.


Notary Public

My Commission Expires:

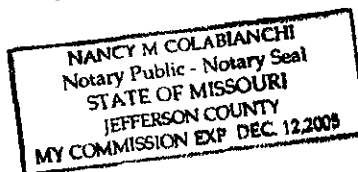
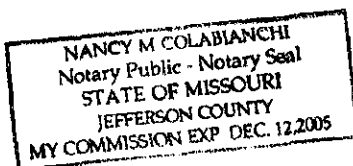
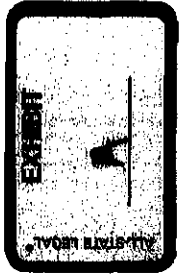


TABLE OF FEES

Attorney/Paralegal	Reviewing and Responding to Complaint (answer, affirmative defenses & counterclaims)	Written Discovery (includes Joint Scheduling Plan & Protective Order as well)	Depositions / Witness Interviews / Expert Interviews	Miscellaneous (meetings and communications with client, pleadings, finding local counsel, insurance coverage, budgeting, indexing docs)	Total (from pg 1)
Brennan, Theresa				.4h x 240.00 = 96.00	96.00
Eberhardt, Gary A.	.5h x 245.00 = 122.50		.5h x 260.00 = 130.00		252.50
Gilmor, Julie (database clerk)				7.2h x 50.00 = 360.00	360.00
Goldmehersh, Edward			.2h x 280.00 = 56.00		56.00
Harding, Sherry (paralegal)			4.9h x 100.00 = 490.00	7.9h x 100.00 = 790.00	1,280.00
Illig, Mary (paralegal)				.3h x 100.00 = 30.00	30.00
Mann, Jennifer (law clerk)	3h x 80.00 = 240.00	3.9h x 80.00 = 312.00			552.00
Menghini, Wendy	3.2h x 120.00 = 384.00 6.4h x 135.00 = 864.00 1.9h x 145.00 = 275.50	6.1h x 135.00 = 823.50 34.3h x 145.00 = 4,973.50 8.5h x 155.00 = 1,317.50	3.4h x 135.00 = 459.00 76.3h x 145.00 = 11,063.50 11.3h x 155.00 = 1,751.50	.4h x 120.00 = 48.00 3.6h x 135.00 = 486.00 11.3h x 145.00 = 1,638.50 .3h x 155.00 = 46.50	31,542.50
Meyr, Trae (law clerk)		3h x 80.00 = 240.00			240.00
Mezines, Andrea (paralegal)				8.8h x 100.00 = 880.00	880.00
Sinn, Julia	4.3h x 90.00 = 387.00 3.3h x 110.00 = 363.00	2.2h x 110.00 = 242.00			992.00
Wymore, Mary Ann L.	2h x 235.00 = 470.00 9.1h x 245.00 = 2,229.50 .6h x 255.00 = 153.00 .9h x 260.00 = 234.00	18.1h x 245.00 = 4,434.50 17.5h x 255.00 = 4,462.50	3.8h x 245.00 = 931.00 73.3h x 255.00 = 18,691.50 45.2h x 260.00 = 11,752.00	3.3h x 235.00 = 775.50 8.7h x 245.00 = 2,131.50 4h x 255.00 = 1,020.00 .5h x 260.00 = 130.00	47,415.00
Total	\$5,722.50	\$24,217.00	\$45,324.50	\$8,432.00	



Attorney/Paralegal	Motion for Summary Judgment	Settlement Negotiations (negotiations and research)	Motion for Attorney's Fees	Total (from pg 2)
Amelunke, Katie (paralegal)			5.7 x 105.00 = 598.50	598.50
Harding, Sherry (paralegal)	.4h x 100.00 = 40.00			40.00
Illig, Mary (paralegal)	1.8h x 105.00 = 189.00			189.00
Menghini, Wendy	39.5h x 155.00 = 6,122.50	.2h x 145.00 = 29.00 .4h x 155.00 = 62.00	.2h x 155.00 = 31.00	6,244.50
Sinn, Julia	35.6h x 110.00 = 3,916.00	9.8h x 110.00 = 1,078.00	15.1h x 110.00 = 1,661.00	6,655.00
Wynmore, Mary Ann L.	22.6h x 260.00 = 5,876.00	.5h x 255.00 = 127.50 .8h x 260.00 = 208.00	5h x 260.00 = 1,300.00	7,511.50
Total for each group	\$16,143.50	\$1,504.50	\$3,590.50	
GHG Grand Total				104,934.00
Local Counsel's Fees				15,153.00
GRAND TOTAL ATTORNEYS' FEES				\$120,087.00

(both pages)

Type of Cost	Amount
Long Distance Phone Calls	102.05
Photocopies	948.60
Federal Express Charges	201.69
Application Fees/ Certificates of Good Standing	140.00
Document Production Costs	1,020.95
Expert Fees	13,770.44
Deposition copies	4,743.70
Travel Expenses	1,678.74
Local Counsel's costs	1,098.53
Total Costs	\$23,704.70